

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

AMBROCIO SALINAS, JR,

Petitioner,  
VS.

RICK THALER,

Respondent.

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CIVIL ACTION NO. C-09-233

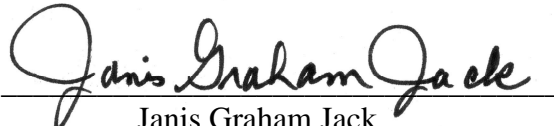
**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION  
TO DENY PETITIONER'S  
APPLICATION TO PROCEED *IN FORMA PAUPERIS***

On January 7, 2010, United States Magistrate Judge Brian L. Owsley signed a Memorandum and Recommendation recommending that petitioner be found not indigent and that his application to proceed *in forma pauperis* (D.E. 3) be denied. The Memorandum and Recommendation recommended further that petitioner be instructed to pay the filing fee within twenty (20) days of the date of entry of any order adopting the memorandum and recommendation, or voluntarily dismiss the petition; and further that petitioner be advised that failure to pay the filing fee within the time period proscribed may result in dismissal of his petition for failure to prosecute. Seeing no objection to this recommendation by either party, noting that petitioner paid the \$5.00 filing fee on January 15, 2010, and having now reviewed the recommendation, the Court finds that petitioner is not indigent and hereby adopts as its own the Memorandum and Recommendation as the decision of the Court. Accordingly, it is

ORDERED that petitioner's application to proceed *in forma pauperis* is denied.

The clerk shall enter this order and provide a copy to all parties.

SIGNED and ORDERED this 2nd day of February, 2010.

  
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Janis Graham Jack  
United States District Judge